

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

BAN ATCHOO,)	Case No.:
)	
Plaintiff,)	Hon.
)	
v.)	
)	
DELTA OUTSOURCE GROUP, INC.,)	
)	
Defendant.)	
)	

COMPLAINT AND JURY DEMAND

Plaintiff, BAN ATCHOO (“Plaintiff”), by her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, DELTA OUTSOURCE GROUP, INC. (“Defendant”):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Defendant conducts business in the state of Michigan, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in West Bloomfield, Oakland County, Michigan.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought

to collect a consumer debt from Plaintiff.

8. Defendant is a collection agency with a business office in Lake St. Louis, Missouri.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Upon information and belief, Defendant is collecting on an alleged debt owed to HSBC Card Services, Inc.
11. Defendant placed a collection call to Plaintiff, and when Plaintiff requested the name of the original creditor, Defendant's representative, Craig ("Craig") stated: "you would not remember because it has been two years since you paid on it"
12. Craig informed Plaintiff multiple times that, in the state of Michigan, if they could not work out a payment arrangement today, Defendant could just garnish Plaintiff's wages.
13. Craig told Plaintiff that there is no judge for Plaintiff to talk with and "we are just going to garnish your wages."
14. Plaintiff repeatedly told Craig that she could not pay at this time.
15. Craig transferred Plaintiff to Defendant's representative, Mindy ("Mindy").
16. Mindy told Plaintiff if she did not pay today she would start "running" Plaintiff's social security number and start wage garnishment procedures.
17. To date, Plaintiff's wages have not been garnished.
18. Mindy informed Plaintiff that she was "lucky to have a job," that she had "four kids with tuition, medical bills and able to support herself," and that "a senior citizen who only makes \$1,200 per month is able to pay his debt."

19. Mindy informed Plaintiff that "this call is taking too long and I cannot have that. I will be running your social security number in the morning."
20. Plaintiff requested that Mindy send her options in writing.
21. Mindy refused Plaintiff's request stating "we need to take care of it today."
22. Plaintiff repeatedly told Mindy that she could not make a payment today.
23. Defendant has placed at least ten collection calls in ten days to Plaintiff's cellular phone and home telephone number.
24. Defendant places collection calls from numbers that include 636-221-4686 and requests that Plaintiff return calls to 800-364-1895.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

25. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
 - b. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring and by engaging Plaintiff in telephone conversations repeatedly and continuously with intent to annoy, abuse or harm Plaintiff.
 - c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
 - d. Defendant violated §1692e(4) of the FDCPA by threatening to garnish Plaintiff's wages .

WHEREFORE, Plaintiff, BAN ATCHOO, respectfully requests judgment be entered against Defendant, DELTA OUTSOURCE GROUP, INC, for the following:

26. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
27. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and
28. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, BAN ATCHOO, demands a jury trial in this case.

DATED: August 26, 2010

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MICHIGAN

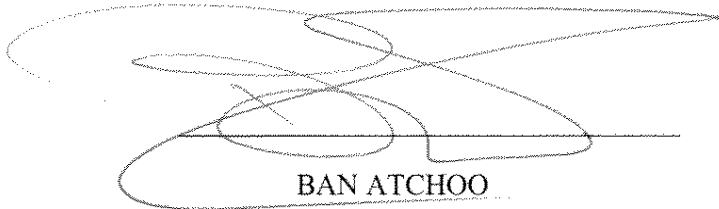
Plaintiff, BAN ATCHOO, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BAN ATCHOO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

8-16-10

Date


BAN ATCHOO